

REMARKS

Claims 1-37 are pending in this application. The Office has rejected all of the claims under 35 USC 103(a) in view patents to Woodhill and MacLeod. The Office is also attempting to require Applicant to modify the “Background” and “Summary” sections of Applicant’s disclosure.

The Requirements to Modify the Specification

The Office has cited sections 608.01(c) and (d) of the MPEP in an attempt to require Applicant to amend the “Background” and “Summary” sections of Applicant’s disclosure. Applicant feels strongly that the specification is adequate as it is and that these “requirements” by the Office are improper.

Applicant first points out that the MPEP is a reference guide that does not have the force of law. The “Foreword” to the MPEP states clearly that “the Manual does not have the force of law or the force of the rules in Title 37 of the Code of Federal Regulations.” In other words, patent applicants are bound only by the patent laws, as handed down by Congress in the form of Title 35 of the US Code and as interpreted by the courts, and by the rules set forth in Title 37 of the Code of Federal Regulations. As neither the US Code nor the Code of Federal Regulations makes either of the requirements that the Office is attempting to apply here, Applicant is not bound by these requirements.

What’s more, the MPEP itself does not even require the changes that the Office is asking Applicant to make. Section 601(I) of the MPEP states clearly that “the following guidelines illustrate the *preferred* content and layout of patent applications These guidelines are *suggested* for the applicant’s use.” MPEP, page 600-3 (emphasis added). Likewise, in Section 608.01(a), under the heading “Arrangement of Application,” the MPEP says that “the following order of arrangement of specification elements is *preferable* in framing the non-provisional specification” MPEP, page 600-64 (emphasis added). In Section 608.01(c), under the heading “Background of the Invention,” the MPEP adds that “the Background of the Invention *ordinarily* comprises two parts” MPEP, page 600-69 (emphasis added). In other words, these guidelines

are just that – guidelines. They show “preferred” and “suggested” ways to structure the application. They do not, however, impose mandatory requirements. In this particular case, the MPEP does not impose any sort of requirement that the application include a “Field of the Invention” section, and it is improper for the Office to attempt to impose such a requirement now.

With respect to the “Summary” section, Title 37 of the Code of Federal Regulations, in Section 1.73, requires that the summary indicate the “nature and substance” of the invention and “be commensurate with the invention as claimed.” Section 608.01(d) of the MPEP adds that the summary “should be consistent with the subject of the claims.” MPEP, page 600-69. Applicant’s summary meets all of these requirements. In particular, the summary mimics almost verbatim the language of the independent claims and therefore is indeed “commensurate with the invention as claimed” and “consistent with the subject of the claims.” Applicant therefore has met the obligations imposed by law, and the Office’s attempt to require modification of the “Summary” section is improper.

The 103(a) Rejection in view of Woodhill and MacLeod

Applicant does not understand how the Office can rely on the Woodhill reference in making this rejection. Woodhill has nothing to do with the storage of user-defined data types in a database system, let alone the use of a compression routine to compress data of a user-defined type. Woodhill, in fact, does not describe a database system at all, not in the traditional sense. What Woodhill describes is a backup system – a remote file server – for a network of computer systems. (*See* col. 1, lines 12-15.) The item that Woodhill refers to as a “database” is simply one layer of a multi-tiered storage system on a computer disk drive, a hierarchy that also includes operating system files, a distributed storage manager program, local computer data files, free disk space, and compressed storage files. (Col. 1, lines 33-44.) No person of ordinary skill in the art would confuse this disk-storage component in Woodhill with a true “database system” like that appearing in Applicant’s claims.

Applicant finds it amusing that the one element that the Office acknowledges is missing from Woodhill is a database table. The “table” is the fundamental building block

of a traditional database system, and its absence from Woodhill's disclosure shows that what Woodhill describes is not a database system at all. Woodhill has no table because Woodhill has no database.

Even if Woodhill were to show a database system, he clearly makes no mention whatsoever of user-defined data types. "User defined types," or "UDTs," are well understood by those of ordinary skill in the art of database engineering, and their use is defined and governed by industry-standard documents such as the Structured Query Language specification published by the American National Standards Institute in 1999 ("SQL-99"). The Office alleges that Woodhill does indeed include user-defined data types (Office action, page 4), as evidenced by Woodhill's assignment of "a user-defined priority" to a computer file while creating a record for the file in the "Backup Queue" (Woodhill, col. 6, lines 11-15). It is clear, however, in reading this passage from Woodhill that the Office has done little more than search for the term "user-defined" in Woodhill's specification. What Woodhill describes in this passage is a technique for allowing a user to assign a priority ranking to a file undergoing back-up; this technique has absolutely nothing to do with the storage of user-defined data types in database system.

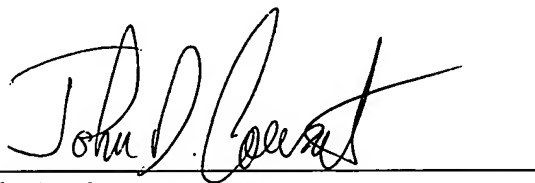
As for MacLeod, while he does deal with relational database systems, he does not show, nor does he suggest, the compression of data of a user-defined type in such a system. Accordingly, even when combined with Woodhill, MacLeod fails to show or suggest the subject of Applicant's claims. All of the claims are therefore allowable over these references.

CONCLUSION

The claims all are allowable over the art of record. Applicant asks the Office to reconsider this application and allow all of the claims. Please charge any fees that might be due, excluding the issue fee, to deposit account 50-1673.

Respectfully,

Date: 7/20/04

A handwritten signature in black ink, appearing to read "John D. Cowart", written over a horizontal line.

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